

Message Text

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DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

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TO USMISSION USUN NEW YORK

INFO AMEMBASSY MEXICO

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E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: REPLY FROM MEXICAN FOREIGN MINISTER TO
SECRETARY'S LETTERS OF AUGUST 3 AND 27

1. THERE FOLLOWS THE DEPARTMENT'S TRANSLATION OF THE
MEXICAN FOREIGN MINISTER IN RESPONSE TO THE SECRETARY'S
MESSAGES OF AUGUST 3 AND AUGUST 27. THIS MESSAGE WAS
DELIVERED TO THE SECRETARY BY AMBASSADOR CASTANEDA IN
NEW YORK ON SEPTEMBER 2.

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2. BEGIN TEXT. MR. SECRETARY: I HAVE THE HONOR TO

REFER TO YOUR TWO LETTERS OF AUGUST 3 AND AUGUST 27, 1976, WHICH ARRIVED IN MY ABSENCE SINCE, AS YOU KNOW, I ATTENDED THE COLOMBO CONFERENCE AND THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT AT GENEVA.

3. I WAS PLEASED TO LEARN OF YOUR PERSONAL INTEREST IN THE WORK OF THE CONFERENCE ON THE LAW OF THE SEA. I BELIEVE THAT YOUR CONTRIBUTION, AT THE HEAD OF THE UNITED STATES DELEGATION WILL, WITHOUT DOUBT, HELP IN SPEEDING UP THE WORK AND GUIDING US TO FINAL SUCCESS. I ALSO TOOK NOTE OF THE GREAT IMPORTANCE THAT YOU SO JUDICIOUSLY ATTACH TO THIS CONFERENCE AND OF YOUR OPINION ON THE QUESTIONS IN REGARD TO WHICH A CONSENSUS IS EMERGING AS WELL AS ON THOSE WHICH ARE STILL PENDING.

4. FOR SIMILAR REASONS I HAVE ALSO GIVEN PERSONAL AND PRIORITY ATTENTION TO THE NEGOTIATIONS TAKING PLACE DURING THE CONFERENCE. I HAVE BEEN IN CONSTANT TOUCH WITH DEPUTY SECRETARY CASTANEDA, THE HEAD OF THE MEXICAN DELEGATION, AND AMBASSADOR TELLO AND GONZALEZ DE LEON. I ALSO CONSIDER THAT MUCH PROGRESS HAS BEEN MADE, BUT WE MUST REDOUBLE OUR EFFORTS TO REACH AN AGREEMENT ON THE PENDING QUESTIONS THAT YOU MENTION IN YOUR LETTER OF AUGUST 27. IN REGARD TO THIS, I BELIEVE THAT THE FOLLOWING BRIEF COMMENTS MAY HELP YOU TO UNDERSTAND OUR POSITION:

A. WITH REGARD TO THE DUAL SYSTEM OF SEABED EXPLOITATION, I BELIEVE THAT IT WILL BE GENERALLY ACCEPTABLE ONLY IF EFFECTIVE MECHANISMS ARE ESTABLISHED--AS I MENTIONED IN OUR CONVERSATIONS DURING YOUR VISIT TO MEXICO CITY--TO ENSURE THAT ADEQUATE FINANCIAL AND TECHNOLOGICAL RESOURCES ARE AVAILABLE TO THE ENTERPRISE SO THAT IT IS ABLE TO EXPLOIT BY ITSELF THE AREAS RESERVED FOR IT. AS WE ARE ESTABLISHING A COMPLEX SYSTEM FOR THE FUTURE, FOR WHICH THERE EXISTS NO PRECEDENT OR EXPERIENCE, IT IS DIFFICULT TO FORECAST HOW IT WILL FUNCTION. THEREFORE, I THINK THAT IT IS INDISPENSABLE TO PROVIDE A SMOOTHLY FUNCTIONING MECHANISM TO REVIEW THE ENTIRE SITUATION IN THE RELATIVELY NEAR FUTURE. LASTLY, IT SEEMS TO ME THAT THE ENTERPRISE WILL FUNCTION ADEQUATELY AND REPRESENT THE INTERESTS OF THE ENTIRE INTERNATIONAL COMMUNITY ONLY IF THE DECISIONS ADOPTED, AND PARTICULARLY THE GENERAL LIMITED OFFICIAL USE

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GUIDELINES, ARE NOT SUBJECT TO REVIEW BY A SMALL COURT, WHICH WOULD THUS BECOME THE SUPREME ORGAN OF THE AUTHORITY.

B. I BELIEVE THAT IN THE ECONOMIC ZONE THE RIGHTS OF THE COASTAL STATE AND THOSE OF THE OTHER STATES MUST BE BALANCED AND THAT THE HIGH SEA RIGHTS OF THE INTERNATIONAL COMMUNITY MUST BE CLEARLY RECOGNIZED (AS YOU INDICATED IN YOUR SECOND LETTER). HOWEVER, THIS SHOULD NOT INVOLVE GIVING THE ECONOMIC ZONE THE LEGAL STATUS OF HIGH SEAS.

AS YOU WELL KNOW, FROM THE VERY BEGINNING WE HAVE INSISTED THAT THE ECONOMIC ZONE IS SUI GENERIS, DISTINCT FROM THE HIGH SEAS AND THE TERRITORIAL SEA, AND THIS IN OUR OPINION IS A PREREQUISITE FOR GENERAL ACCEPTANCE OF THE CONVENTION. C. BASICALLY, I AGREE WITH YOUR IDEAS ON SCIENTIFIC RESEARCH AND THE PREVENTION OF MARINE POLLUTION. I THINK THAT WITH GOOD WILL WE SHALL BE ABLE TO REACH AN AGREEMENT. D. WE ALSO FAVOR AN EFFECTIVE SYSTEM FOR THE PEACEFUL SETTLEMENT OF DISPUTES. HOWEVER, I BELIEVE THAT THIS SHOULD NOT CHANGE THE NATURE OR LESSEN THE SCOPE OF THE RIGHTS THAT THE SINGLE REVISED TEXT CLEARLY ATTRIBUTES TO THE COASTAL STATE WITH REGARD TO THE EXPLOITATION OF ITS RESOURCES. THIS WOULD INDUBITABLY BE CONTRARY TO OUR CONCEPT AND INTERESTS AS WELL AS TO THOSE OF THE UNITED STATES OF AMERICA, IF I MAY SAY SO.

5. I HAVE ALSO BEEN CONCERNED BY THE CONSTANT REITERATION OF OLD POSITIONS DURING THIS SESSION WITHOUT BEGINNING SERIOUS NEGOTIATIONS ON SUBSTANTIVE POSITIONS, ESPECIALLY IN COMMITTEE I. AS YOU INDICATED, THERE IS A CLIMATE OF PESSIMISM IN THE CONFERENCE THAT IS BECOMING IN ITSELF AN OBSTACLE TO THE SUCCESS WE SEEK. LASTLY, I COULD NOT AGREE WITH YOU MORE THAT THE MOMENT REQUIRES THE CREATIVE ACTION OF STATESMEN TO SOLVE THESE PROBLEMS. I TRUST THAT YOU WILL SOON BE ABLE TO ASCERTAIN THAT DEPUTY SECRETARY CASTANEDA--BY WHOM I AM TRANSMITTING THIS LETTER --ALSO SHARES THIS OPINION.

6. WISHING YOU EVERY SUCCESS IN YOUR EFFORTS, I AVAIL MYSELF OF THE OPPORTUNITY TO RENEW TO YOU THE EXPRESSION OF MY HIGHEST CONSIDERATION AND PERSONAL ESTEEM. SINCERELY, ALFONSO GARCIA ROBLES. END TEXT. KISSINGER

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